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GARY HARRISON

STATEMENT, ARGUMENT, OR BRIEF

Some of the facts of Law and History have been ignored, and my People and Government have been ignored. To start with:

Senate Document #132, 81st Congress, Second Session, prepared by the Chief of the Foreign Law Section Law Library of the Library of Congress, United States Government Printing Office, Washington:1950; page 7, fifth paragraph, second sentence:

"(On September 4, 1821, Special "Rules Established for the Limitation of Navigation" in the waters washing the Aleutian Islands and the Alaskan Shores. These Rules implied the claim of Russian Sovereignty from 51 North Latitude, because the Rules reserved "The pursuit of commerce, whaling and fishing, and of all other industry" within these boundaries exclusively to Russian subjects (Sec. 1). Conversely, Sec. 2 of the Rules "Prohibited to all foreign vessels not only to land on the coast and islands belonging to Russia as stated above but also to approach them within less than 100 Italian miles" (Sec. 2). Any commerce by foreign ships within the Natives was also prohibited (Sec. 14)."

Page 8, Paragraph 1, Sentence 4:

"But the United States and Great Britain immediately protested both against the expansion of the claimed Territory and against the prohibition of navigation to their vessels."

Paragraph 3:

"The Russian Government deliberately refrained from claiming on the basis of the right of prior discovery, more territory than it could claim by virtue of the right of first permanent settlement." Against the ambitious aspirations of the leaders of the company,"

Page 54, Line 13:

"The Russian American Company hardly ever penetrated into the Interior of the continent, and owing to the wild character of its inhabitants, never established there any settlements; only for trading purposes, small factories, called redouts and odinotshkas were established along the Coast."

Page 95, Paragraph 3: 1824-1861-1912. No. 29. A few documents from the archives of the Russian American Company in numbers 512, 525, and 526:

"The great mass of the material used by the committee appointed by the government to liquidate the affairs of the Russian American Company.)"

Through these quotes, it is proven proof that the United States did not buy my people, or their land, or their rights with the Treaty of Cession. But the mere buying of the Russian American Company for some Forts which they held by force, could not hold by the Doctrine of Discovery. The rest were redouts and odinotshkas.

Slavery and stealing are both against the law. My peoples land and rights are claimed by the United States Government and the State Government and other, mostly innocent, third parties. It is stated in (U.S. Department of the Interior, Office of the Solicitor, Handbook of Federal Indian Law by Felix S. Cohen. U. S. Government Printing Office, Washington 1942) (Further stated as known as COHEN) who me and my people are on:

Page 401, Section 1, Classification of Alaska Natives:

The term "Natives of Alaska" has been defined to include members of the aboriginal races inhabiting Alaska at

the time of its annexation to the United States, and their descendants of the whole or mixed blood,"

and on page 122, Section 2: The Derivation of Tribal Powers:

"From the earliest years of the Republic the Indian tribes have been recognized as "distinct, independent, political communities," and as such, qualified to exercise powers of self-government, not by virtue of any delegation of powers from the Federal Government, but rather by reason of their original tribal sovereignty."

In the court case of the Santa Clara Pueblo it shows only we control our membership, not the State or Federal governments. We have been officially recognized on the Federal Register as Chickaloon Village, which is the United States Government official record.

Just because the State of Alaska and the U. S. Government have more Troopers and military might does not mean we render up our sovereignty or jurisdiction.

Page 123, Cohen:

"* * * and the settled doctrine of the law of nations is, that a weaker power does not surrender its independence-its right to self-government-by associating with a stronger, and taking its protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a state. Examples of this kind are not wanting in Europe. "Tributary and feudatory states," says Vattel, "do not thereby cease to be sovereign and independent states, so long as self-government, and sovereign and independent authority, are left in the administration of the state." At the present day, more than one state may be considered as holding its right of self-government under the guarantee and protection of one or more allies."

In 1945 after the final destruction of Nazi tyranny the U. S. Government signed a treaty chartering the United Nations; it makes some pretty big promises, unkept and broken. Here in Chapter 11, Declaration Regarding Non-Self-Governing Territories:

"Art. 73. Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of these territories, and, to this end:

(a) to ensure, with due respect for the culture of the peoples concerned, their political, economic, social and educational advancement, their just treatment, and their protection against abuses;

(b) to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

(c) to further international peace and security;

(d) to promote constructive measures of development, to encourage research, and to co-operate with one another and with appropriate international bodies with a view to the practical achievement of the social, economic, and scientific purpose set forth in this paragraph; and

(e) to transmit regularly to the Secretary-General for information purposes, subject to such limitations as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible, other than those territories to which Chapters 12 and 13 apply."

It is proven by your own Government and societies documentation, like statistical, annual reports of the Alaska Division of Mental Health and Developmental Disabilities, with special reference to 1987. There is a growing mental problem due to:

Page 9:

"Behavioral problems due to social conditions."

Page 21:

"Alaska Native peoples make up 30%, more than twice their percentage in the state's population."

and Page 22:

"(74.1% from the Cook Inlet Native Association region,..."

which is the area we are in, and is also the greatest penetration of European influence. And this shows that the Social Promises have been broken in the United Nations treaty, taking note the Constitution of the United States states that the treaties are the highest laws of the land.

The Anchorage Daily News series, "People in Peril", and the sequel which shows a people still in peril shows they are destroying the culture of the people and the mere fact that we are in Court here fighting for our governmental rights shows that they have broken the political agreements.

The mere fact that the Federal Government and the State government have oil, gas, coal, etc., leases, show that they have become the plunderers of our peoples' resources. The

fact that we make up 15% of the population and 45% of the Inmate population in the Department of Corrections jails, shows that they are not protecting against abuses, but are becoming the abusers instead.

And all of these items are genocide upon my people, by the State of Alaska and the United States Government. And according to some of the speeches in the Legislative History of the Genocide Act made by Senator Proxmire state the United States must start amending their laws that create genocidal conditions.

I have included two history books from two schools in the Matanuska Valley: one I believe is from the Sutton Elementary School, and the other is from Glacier View School. They show that the educational advancement promises made are faulty, as those books' teachings of history are contrary to legal documentation of history which I have noted prior.

It must be noted that the State of Alaska's government was not meant for the Alaskan Native Peoples because there was a prerequisite of the ability to read or speak English before voting, noted in Alaska State Legislative History. (I would like to note that the bulk of the voting people is shown in the Transmission of Information by Members under Article 73(3) of the United Nations Charter, dated October, 1946. On page 16 it shows that the War Labor Board and the War Manpower Commission also operated United States

Employment Service effected 31,371 placements. At this time the total population according to a 1940 census was 72,524. Of those there were some 30,000 Natives. When the vote was taken in 1958 for statehood, with most of the Natives not able to vote due to the prerequisite, it shows that these government placements, a few miners, and other carpet-baggers voted in their government, and called the compact with the United Nations complete. Thus showing complete disregard for the rest of Article 73 of the United Nations Charter.)

This prerequisite was eliminated in 1970, just prior to when the Natives were supposed to have voted upon the Alaska Native Claims Act of December 18, 1971, that says "no provision of this Act shall be construed to constitute a jurisdictional act," and which never took place according to Public Law 284 of 1968, Indian Civil Rights Act, (according to Public Law 284, before assumption of jurisdiction could take place, a tribe must vote in favor of such an act, which was never done) which amended Public Law 280. According to U. S. District Court for the Eastern District of Washington in the court case of Confederated Tribes of the Colville Indian Reservation v. Beck, et al: "Public Law 280 does not deprive an Indian Tribe of concurrent criminal jurisdiction over its members". In the back of Public Law 280, under retrocession of jurisdiction if a state has a disclaimer, such as, Article 12, Section 12, of the Constitution of the State of Alaska, then jurisdiction retrocedes to the tribe.

if any is conferred by Public Law 230. Up until 1968 when this was Amended, the State of Alaska did not amend its constitution and has never had Tribal Consent under Public Law 234 to assume jurisdiction. (Assumption: The act of assuming; a statement as accepted as true without proof. I believe in a law dictionary, it does say "without law".)

Under Article 12, Section 12, of the Constitution of the State of Alaska:

The State and its people further disclaim all right or title in or to any property, including fishing rights, the right or title to which may be held by or for any Indian, Eskimo, or Aleut, or community thereof,"

"Forever"

Some of the charges faced are brought about by the State of Alaska claiming a Right-of-Way through a Native Allotment which is land whose title is held in trust by the United States for an individual Indian and his heirs: namely, Louis R. Harrison, (my father) and his heirs. The deed is provided, Serial Number 053702, and is a matter of Federal Record, which you may find in the Anchorage, Alaska, Federal Building's Public Room under: Federal Lands Held in Trust for Alaska Natives.

The Alaska State Troopers and all Alaska Judicial Officers are sworn to uphold the Constitution of Alaska, including Article 12.

According to the State of Alaska, they received a Right-of-Way Transfer in approximately 1942 and the records show the railway tracks were pulled up in approximately 1936. So the State of Alaska could not have gotten the Right-of-Way that was not there because:

(Federal) 1938 Title 43 - Public Lands, Part 243 - Rights of Way for Railroads and Station Grounds, 243.2 Nature of Grant:

"A railroad company to which a right of way is granted does not secure a full and complete title to the land on which the right of way is located. It obtains only the right to use the land for the purposes for which it is granted and for no other purpose, and may hold possession, if it is necessary to that use, as long and only as long as that use continues."

Under the Code of Federal Regulations, Title 25, Indians, Subchapter D - Rights-of-Way-Roads, 161.1 Definitions:

- "(b) 'Individually owned land' means land or any interest therein held in trust by the United States for the benefit of individual Indians and land or any interest therein held by individual Indians subject to Federal restrictions against alienation or encumbrance.
- (c) 'Tribe' means a tribe, band, nation, community, group or pueblo of Indians.
- (d) 'Tribal land' means land or any interest therein, title to which is held by the United States in trust for a tribe, or title to which is held by any tribe subject to Federal restrictions against alienation or encumbrance, and includes such land reserved for Indian Bureau administrative purposes. The Term also includes lands held by the United States in trust for an Indian corporation chartered under section 17 of the Act of June 19, 1934 (48 Stat. 988: 25 U.S.C. 477).

(a) "Government owned land" means land owned by the United States and under the jurisdiction of the Secretary which was acquired or set aside for the use and benefit of Indians and not included in the definitions set out in paragraphs (b) and (d) of this section."

161.3 Consent of landowners to grants of right-of-way, paragraphs:

"(a) No right-of-way shall be granted over and across any tribal land, nor shall any permission to survey be issued with respect to such lands, without the prior written consent of the tribe.

(b) Except as provided in paragraph (c) of this section, no right-of-way shall be granted over and across any individually owned lands, nor shall any permission to survey be issued with respect to any such lands, without the prior written consent of the owner or owners of such lands and the approval of the Secretary."

The fact remains there is no written consent from either the Tribe, the individual owner(s), or the Secretary of Interior for any right-of-way across the Harrison Native Allotment for the State of Alaska, the Matanuska Telephone Association, Inc., Nova Riverrunners, or the Matanuska Electric Association, Inc. The Matanuska Electric Association, Inc., did have a right-of-way, but it terminated in 1981, at which time they changed part of the right-of-way during protested construction of the road and bridges.

According to Section 55161.12 of Title 25, Chapter 1:

"If any change in the size, type, or location of the right-of-way is involved the application for renewal shall be treated and handled as in the case of an original application, for a right-of-way."

(And also to be mentioned is the fact that the
Electric Association, Inc., smashed two of my classic
Plymouth vehicles during the realignment move.

Also, in No. 85-1708 California, et al, Appellants v.
Cabazon Band of Mission Indians et al. On appeal from the
United States Court of Appeals for the Ninth Circuit, is
found the following definition of Indian Country:

"'Indian Country,' as defined at 18 U.S.C. 851151,
includes 'all land within the limits of any Indian
reservation under the jurisdiction of the United
States Government, notwithstanding the issuance of any
patent, and, including rights-of-way running through
the reservation.' This definition applies to
questions of both criminal and civil jurisdiction."
This is in the U. S. Supreme Court that the Cabazon
Band of Mission Indians won the Supreme Court decision.

The reason for the legal history so far is to prove
that Chickaloon Village has jurisdiction, not only on this
Native Allotment, but what are also being considered State
of Alaska roads. Some of the charges also brought against
me are because of driving with Chickaloon Village vehicular
and driving licenses. Chickaloon Village has never
consented, as provided for under Public Law 280 where tribes
must vote, to give State jurisdiction over tribal members;
and also according to a barrage of Federal paperwork,
including only "Alaska Native Villages Self-Determination",
Public Law 93-638(104) Grant Handbook of Policies and
Procedures, United States Department of the Interior, Bureau
of Indian Affairs, Division of Support Services, 638
Contracts and Grants Office, P. O. Box 3-2000, Juneau,
Alaska, 99802, dated November 18, 1975, Revised February 10,
1976, and to date, a pamphlet from the Federal Nuclear

Negotiator wanting to put nuclear contaminant on our lands because we have special governing rights (Sovereign rights).

It is also a curious fact that the Morgan v. Colorado River Indian Tribe, Cited as 145 P.2d 421, upheld the tribe's sovereignty under Alaska case law in the case of Alaska Pacific Fisheries v. United States, 249 U.S. 79, 39 S.Ct. 40, 63 L.Ed. 138 (1918) While this was a wrongful death outside of any reserve land, a drowning on the Colorado River, it also shows when land is reserved, it includes submerged lands and navigable waters.

In 1979 according to the Bureau of Indian Affairs, Tribal Operations Officer, Anchorage Agency, within the Cook Inlet Region, Inc., area:

"Chickaloon under signature of Angelina Stavig the Chickaloon Village Association claims to be a traditional council for their Native population. Having no other Native body partitioned for such recognition for that village nor having any other body so duly constituted then recognizing Chickaloon Village Association as the traditional council consistent with number 2 above appears appropriate."

(Number 2 above shows that Traditional Councils will be recognized when there are no Indian Reorganization Act Councils.)

Also, when I asked Albert D. Kahklen, Superintendent of the Anchorage Agency of the Bureau of Indian Affairs, what Chickaloon's jurisdiction was and to put it on paper, here is what I received:

"May 24, 1985

Gary Harrison, Treasurer
Chickaloon Traditional Government
P. O. Box 1105
Chickaloon, Alaska

Dear Mr. Harrison:

The jurisdiction of the Native Village of Chickaloon shall extend to all lands constituting the dependent Indian Community of Chickaloon, Alaska, as defined by Federal law.

(Signed)

Albert D. Kahklen
Superintendent"

Therefore, our history shows we have been here,
between Kenai and past the border by Tok, Alaska, into
Canada,

(with reference to the published materials:

Shem Pete's book;

Peter Kalifornsky's stories;

The Archaeology of Cook Inlet, Alaska by Frederica De
Laguna, Ph.D., Second Edition Printed for The Alaska
Historical Society in 1975;

and CIRI's book, Tales of Our Elders;

which show our relations from Chickaloon, Kenai, Tyonek,

which can all be received from CIRI. To prove our relations

from the border of Alaska clear through down Susitna, Knik,

Anchorage are:

our Ahtna map;

Ahtna Place Names Lists book, put together by James Kari,
Professor at University of Fairbanks, and Mildred Buck,
Elder, a joint publication of the Copper River Native
Association and Alaska Native Language Center, Sponsored by
the Alaska Humanities Forum, Copyright in 1983;

and the Arctic Algonquian Dictionary, Compiler and edited by James Kari, Alaska Native Language Center, University of Alaska Fairbanks, Fairbanks, Alaska, 1990.

Added documentation is to be found in:

Where the Raven Stood by Holly Reckord, Anthropology and Historic Preservation, Cooperative Park Studies Unit, University of Alaska, Fairbanks, Occasional Paper No. 35, 1983.)

This shows our history of our people upon these trails, which many now are roads, and our people are dependent on these roads as they hook our lands together. According to Federal law, Title 23 - Highways, Section 101, Definition of Indian reservation Roads ... any of these roads funded with Federal funds that interconnect any tribal lands are to be considered reservation roads; and all public roads in Alaska are partial Federally funded.

Because of the denial of access, such experimentation, as cited in: United States Arctic Research Plan, 1987, prepared by Interagency Arctic Research Policy Committee, Washington, D. C. 20550,

contributors:

- National Science Foundation,
- Department of Commerce,
- Department of Defense,
- Department of Energy,
- Department of Health and Human Services,
- Department of the Interior,
- Department of State,
- Department of Transportation,
- Environmental Protection Agency,
- National Aeronautics and Space Administration,
- Office of Science and Technology Policy,
- Office of Science and Technology Policy,
- Smithsonian Institution;

pages 216 through 226, and especially 226 through 228, and page 229 which also includes nutrition and chronic disease; these types of diabolical experiments have been heard of in the Nazi Death Camps. (Possibly a little known fact, my family has fought and died, and also lived through, this and other wars, to help end these atrocities.) Because of this and many other atrocities that the Nazis did, the world passed the Genocide Act, except for the United States, in 1945. The United States in 1986 passed the Genocide Act. In the United Nations the meanings of genocide, whether in peacetime or war, are as follows:

"Art. 2. Genocide means any of the following acts committed with intent to destroy, in whole or part, a national, ethnical, racial, or religious group:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Art. 3. The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide."

Since the United States has passed the Genocide Act, it is each and every one of your duties, any State or Federal official that takes an oath of office, and the moral duty of any citizen, to do what they can do to change any genocidal, or possibly genocidal, act, policy, rule, regulation, or any other law, etc., and under ipso facto, in facto, and de facto. I may be incorrect, but under ipso facto you are not chargeable for genocide; in facto - when you find out, you are chargeable to change the genocide; and de facto - whether I am right or wrong, when you find out and do nothing, you become chargeable with the crime of genocide.

According to Charles E. Cole, Attorney General, by Gary Amendola, Assistant Attorney General for the State of Alaska, re: Sovereignty overview for the Senate Judiciary Committee, in a letter dated February 6, 1992 to the Honorable Rick Halford: "Conclusion: there really is no conclusion at this point."

Also, under Federal law, all of the laws are to be liberally construed in favor of the Indians, if there is a conflict.

Since the State of Alaska cannot make up its mind, and doesn't know, with the facts that I have presented to you, the only conclusion is: for the State of Alaska to either nullify itself, which we know is probably impracticable at this time; and this leaves only one practical solution:

- 1
- (a) For the State of Alaska to work with Chickaloon Village on a government-to-government basis, from the formation of laws through the delivery of services. (Especially the Departments of: Public Safety, Fish & Game, and/or, Fish and Wildlife Protection, Revenue, Transportation & Public Facilities, Corrections, Natural Resources, Environmental Conservation, Health and Social Services, Office of the Governor, Office of the Lieutenant Governor, Administration, Commerce and Economic Development, Community & Regional Affairs, Education, Labor, Law, Military & Veterans Affairs, Court System, and University of Alaska.)
- (b) To drop all charges against the Chickaloon Village members;
- (c) To pay the reparations and attorneys' fees;
- (d) To pay for all the mental damages for myself and my family for all of the unjust treatment by the State of Alaska. The mental damages have caused severe family-social problems which are beyond price, but you can try to make monetary amends.
- (e) And, in the future, all charges brought against a Chickaloon Village member by the State of Alaska or any of its entities, be brought in the Chickaloon Village Tribal Court.
- (f)

Respectfully submitted,

Gary D. Harrison

Listing of Referenced Materials:

Senate Document #152, 81st Congress, Second Session, Russian Administration of Alaska and the Status of Alaska Natives.

The United States Supreme Court Decision:

No. 35-1708

California, et al., Appellants

v.

Cacazon Band of Mission Indians et al.

The United Nations Charter

Alaska Native Claims Settlement Act, December 18, 1971

1981 Code of Federal Regulations #25 - Indians

* Alaska Native Language Center Research Papers, Number 1:
Proto-Athabaskan Verb Stem Variation,
Part one and four

* Ahtna Place Names List
by James Kari

* The Archaeology of Cook Inlet, Alaska
By Frederica Da Laguna, Ph.D.
Second Edition 1970

United States Arctic Research Plan
by Interagency Arctic Research Policy Committee

Non-Self-Governing Territories
Report of the Secretary-General
United Nations
October 1946

State of Alaska, Department of Law,
Office of the Attorney General
Letter dated February 6, 1992
to the Hon. Rick Halford

by Gary L. Amundson, Assistant Attorney General.

United States District Court
Affirmed by the 10th Circuit Court
Morgan v. Colorado River Indian Tribe
Cited as 143 p.2d 421

* United States Department of the Interior
Bureau of Indian Affairs, Anchorage Agency
Letter to Gary Harrison, Treasurer,
Chickaloon Traditional Government
from Albert d. Kahklen, Superintendent
dated May 24, 1985

* United States Department of the Interior
Bureau of Indian Affairs, Anchorage Agency
Letter to Tribal Operations Officer, BIA
from the Acting Superintendent, Richard E. Lundy
dated December 26, 1979

U. S. District Court for the Eastern District of WA
Criminal Jurisdiction: Public Law 280
December 21, 1978
"Public Law 280 does not deprive an Indian Tribe of
concurrent criminal jurisdiction over its members."

Statistical Annual Report, '87,
Alaska Division of Mental Health and Developmental
Disabilities

Constitution of the State of Alaska

Constitution of the United States of America

* Alaska Native Villages Self-Determination
Public Law 93-633 (104a)
Grand Handbook of Policies and Procedures
United States Department of the Interior
Bureau of Indian Affairs, Juneau

Thursday, February 20, 1986, of the Anchorage Daily Times"
"Senate OKs Anti-genocide Pact"
Proxmire gives 3,000 speeches

* Where Raven Stood

Cultural Resources of the Ahtna Region
Holly Reckord
Anthropology and Historic Preservation
Cooperative Park Studies Unit
University of Alaska, Fairbanks

* Ahtna Athabaskan Dictionary

Compiled and Edited by James Kart

* Fourth Grade Alaskan History

Marcia Baker, Sharon Russell
Sutton Elementary School history

* "Eyes Toward Icebergs: A Textbook on Alaska"

By Lucille Frey, Anne Gaffins, Mary Hayes
The Learning Tree Press
Revised, Copyrighted, 1983

Handbook of Federal Indian Law

by Felix S. Cohen
Department of the Interior
AMS Press, 1942

Public Law 280, U. S. Consent for Jurisdiction in Indian
Country, Retrocession of Jurisdiction

Public Law 284, Mandatory Amendment to Public Law 280
Indian Civil Rights Act
Consent

* Ahtna Place Names map

Peter Kalifornsky's Storybook

Shem Pete's Alaska

Stories of Our Elders (or Stories of Our Lives)
put out by CIRI Foundation

* Video Tape I: copy of Lee Henry Interview

* Video Tape II: copies of

Channel 2 Television: Nova Dispute

Day 1 of Road Block

Arrest Tape taken by State Troopers

Channel 2 Television: Road Warriors

Day 4 of Road Block

* LEE HARRISON Record of Patent 1074965

* Papers, books submitted with this brief.



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
ANCHORAGE AGENCY
P. O. BOX 100120
ANCHORAGE, ALASKA 99510-0120

May 24, 1985

Gary Harrison, Treasurer
Chickaloon Traditional Government
P.O. Box 1105
Chickaloon, Alaska

Dear Mr. Harrison:

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